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CENTRAL FAX CENTER****MAY 24 2004**Attorney Docket No.: C99-879/US/1
USPTO Ser. No.: 09/494,690**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 2173)
Examiner: Detwiler, Brian J.)
Serial No. 09/494,690)
Applicants: Steven Antosz)
Filed: January 31, 2000)
For: **VEHICLE SUPPLY CHAIN**)
ANALYSIS SYSTEM)

REPLY BRIEF

Mail Stop Appeal Brief - Patents
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TERESA L. TOMAYKO
NAME OF PERSON MAILING PAPER

Teresa L. Tomayko
SIGNATURE

Dear Sir:

This is an appeal from the Final Rejection of Claims 2-6, 8-12 and 20 under 35 U.S.C. §103(a) in the Office Action mailed July 14, 2003. This Reply Brief is in response to the Examiner's Answer mailed March 24, 2004.

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**I. Fact That References Can Be Combined or Modified Is Not Sufficient
To Establish Prima Facie Obviousness**

At page 7 of the Examiner's Answer, the Examiner asserts:

Applicant's first main issue of contention pertains to the motivation for combining the teachings of Bush and Petchenkin. As discussed in the above rejection, Bush is silent as to how the supply chain models of Figures 2-4 are actually constructed. One could potentially imagine a number of ways for inputting the data to create these models, but the fact remains that there is an inherent requirement for some method of placing the icons and establishing the relationships between the many entities in Bush's supply chain models. After all, the models do not come out of the proverbial "thin air". Petchenkin's method of constructing a workflow operation using a graphical user interface is one solution that is directly applicable to this glaring deficiency of Bush's system. Users of Petchenkin's invention can drag icons that are representative of different steps or procedures from the stencil to the template and establish a plurality of relationships among them. The creation, then, of workflow models is performed in a dramatically simple "What You See Is What You Get" (WYSIWYG) fashion. The prior art thus certainly suggests the desirability of the instant combination as required by *In re Mills*.

Applicant respectfully disagrees with the Examiner's characterization of the disclosure of the Bush reference. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Bush is not silent with respect to the source of the supply chain models graphically depicted in Figures 2-4. On the contrary, Bush specifies in column 3, lines 63-66 that "Computer 14 receives information from a user using input device 18, which may include a keyboard, mouse, touch screen, microphone, or any other device that receives information from a user." This clearly refers to a physical interface between the user and the computer. Nowhere does Bush make reference to a graphical input interface. There is no basis for Examiner's assertion that "the prior art suggests the desirability of the combination."

At pages 7-8 of the Answer, Examiner further states:

Regarding Applicant's assertion that Bush fails to reference using a graphical user interface to create supply chain models, the examiner requests that attention be

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directed to Figure 2A and 3 of Bush wherein the application window comprises "File", "Edit", and "View" menus. Said menus are notoriously indicative of the presence of a graphical user interface for interacting with displayed data. Accordingly, the examiner submits that the motivation to combine the teachings of Bush and Petchenkin is well-founded and the rejection under 35 U.S.C. §103(a) is proper for at least these reasons.

Applicant must again respectfully disagree with Examiner's assertion. Applicant is unaware of any precedent, or established standard, wherein the "File," "Edit" or "View" menus are *notoriously* indicative of the presence of a graphical user interface for interacting with displayed data. Rather, Applicant would argue that such menus are counter-indicative of such an interface, that such menus point to interaction with the displayed data through a textual interface.

The claims are not unpatentable over the combination of Bush and Petchenkin, because it has not been shown that the combination is obvious, or that the prior art suggests the desirability of the combination.

II. Combination of Bush and Petchenkin Does Not Reach the Claimed Invention

At pages 8-9, Examiner has asserted that:

Regarding the perspective template, which Applicant states is lacking from both references, the language of claims 4 and 10 only describe it as "having at least one supply chain icon" and "providing a pre-populated framework to evaluate the manufacturing operation." The language of claim 20 describes the [perspective] template as "having a prearranged supply chain representation, the supply chain representation configured to provide information about the supply chain in a format useful to a particular user or participant in the supply chain." Applicant's assertion that Bush fails to teach to teach [sic] a perspective template because its content and functionality is not affected by changes in orientation is thus without base since this limitation is never claimed. Nowhere in Applicant's disclosure is a perspective template ever defined as a template wherein the content and functionality must change with respect to its orientation. In fact, perspective templates are never explicitly defined at all. One can only deduce that a perspective template is merely a template perceived from a particular perspective. Any further limitation on perspective templates must be present in the claims.

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Applicant must respectfully disagree with Examiner's assertion that "perspective template" has not been defined, and direct the attention of the Board and the Examiner to the specification, page 7, line 17 through page 10, line 16, describing Figures 3-6. Figures 3-6 depict the same supply chain, with each perspective template including icons relevant to the "perspective" of that user's interest and omitting icons not relevant to that user's perspective. In Figure 3, a supplier process perspective is depicted; in Figure 4, it is a supplier perspective; in Figure 5, a logistics perspective is depicted; and in Figure 6, an international factors perspective is shown.

The Examiner cannot disregard the term "perspective" as it modifies "template" in evaluating the scope of the claims for examination, and cannot ignore the definition provided in the specification for the term "perspective." When the specification states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989) Because a meaning has been erroneously assigned to the term "perspective" that it was not intended to have, the claims have not been examined based on their proper scope and therefore the Examiner's assertion that the claims are unpatentable over the combination of Bush and Petchenkine is without foundation.

Respectfully submitted,

Dated: 5/20/2004

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